

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

ZACKEY RAHIMI (01)

NO. 4:21-CR-083-P

RESPONSE TO MOTION TO DISMISS

The government opposes the defendant's motion to dismiss his indictment. As he concedes, all his grounds are currently foreclosed under Fifth Circuit case law. *See United States v. McGinnis*, 956 F.3d 747 (5th Cir. 2020) (rejecting facial challenge to section 922(g)(8) and reaffirming *Emmerson*); *United States v. Emmerson*, 270 F.3d 203 (5th Cir. 2001) (rejecting facial and as-applied challenge to section 922(g)(8)).

Respectfully submitted,

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s/ Frank L. Gatto

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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2021, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a Notice of Electronic Filing to the following party who has, presumably, consented in writing to accept this Notice as service of this document by electronic means: Rachel Taft, counsel for defendant.

s/ Frank L. Gatto

FRANK L. GATTO

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